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## BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

## COMMISSIONERS

DOCKETED

2011 JUL 14 A 11:23

GARY PIERCE - Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS

JUL 14 2011

DOCKETED BY

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AZ CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF  
UNION PACIFIC RAILROAD COMPANY TO  
ALTER AN EXISTING CROSSING OF THE  
UNION PACIFIC RAILROAD AT TANGERINE  
ROAD.

DOCKET NO. RR-03639A-11-0262

**PROCEDURAL ORDER**  
**(Schedules a Hearing)**

**BY THE COMMISSION:**

On June 30, 2011, the Union Pacific Railroad Company ("Railroad") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Railroad to alter an existing crossing of the Railroad in Arizona by adding a second set of mainline tracks at the Tangerine Road crossing, USDOT No. 741 088V, located in Pima County ("County") in the Town of Marana ("Marana") ("Application").

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the request of the Union Pacific Railroad Company shall be considered an Application to construct a second set of mainline tracks at an existing at-grade crossing pursuant to A.R.S. § 40-337, et seq.

IT IS FURTHER ORDERED that the **hearing** on the Application shall be held on **October 13, 2011, at 10:00 a.m.**, or as soon thereafter as is practicable, at the Commission's offices, 1200 West Washington Street, **Room 100**, Phoenix, Arizona.

IT IS FURTHER ORDERED that within five business days of receipt of this Procedural Order, **THE UNION PACIFIC RAILROAD COMPANY SHALL PROVIDE THE TOWN OF MARANA ("MARANA"), PIMA COUNTY ("COUNTY"), THE ARIZONA DEPARTMENT OF TRANSPORTATION ("ADOT") AND ANY OTHER MUNICIPALITY OR INTERESTED PARTY** that may be affected by the Application with a copy of the Application and

1 this Procedural Order by **certified U.S. mail.**

2 IT IS FURTHER ORDERED that Safety Division, Railroad Safety Section shall prepare a  
3 written **Staff Report and associated exhibits** to be presented at hearing and file copies of them with  
4 Docket Control on or before 4:00 p.m. on **September 9, 2011.**

5 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**  
6 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on  
7 **September 20, 2011.**

8 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
9 105, except that all motions to intervene must be filed on or before **September 15, 2011.**

10 IT IS FURTHER ORDERED that **Union Pacific Railroad Company** shall provide public  
11 **notice of the hearing** in this matter, in the following form and style:

12 **IN THE MATTER OF THE APPLICATION OF UNION PACIFIC**  
13 **RAILROAD COMPANY TO ADD A SECOND SET OF MAINLINE**  
14 **TRACKS AT AN EXISTING CROSSING IN PIMA COUNTY, IN THE**  
**TOWN OF MARANA, AT TANGERINE ROAD, USDOT NO. 741 088V.**  
**(DOCKET NO. RR-03639A-11-0262)**

15 On June 30, 2011, the Union Pacific Railroad Company ("Railroad") filed with the  
16 Arizona Corporation Commission ("Commission") an application for approval for  
17 the Railroad to alter an existing crossing of the Railroad in Arizona by adding a  
second set of mainline tracks in Pima County, in the Town of Marana, at Tangerine  
Road, USDOT No. 741 088V ("Application").

18 The Application is available for inspection during regular business hours at the  
19 offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix,  
Arizona, and on the internet via the Commission website (www.azcc.gov) using the  
e-docket function.

20 The Commission will hold a hearing on this matter commencing on **October 13,**  
21 **2011, at 10:00 a.m.,** at the Commission's offices, 1200 West Washington Street,  
Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

22 The law provides for an open public hearing at which, under appropriate  
23 circumstances, interested parties may intervene. Intervention shall be permitted to  
24 any person entitled by law to intervene and having a direct and substantial interest  
in the matter. Persons desiring to intervene must file a written motion to intervene  
with the Commission, which motion should be sent to Applicant or its counsel and  
to all parties of record, and which, at the minimum, shall contain the following:

- 25 1. The name, address, and telephone number of the proposed intervenor and of  
26 any party upon whom service of documents is to be made if different than the  
27 intervenor.
- 28 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,  
a customer of Railroad, a neighboring property owner, a crossing user, etc.).

1           3.    A statement certifying that a copy of the motion to intervene has been mailed  
2           to the Applicant or its counsel and to all parties of record in the case.

3           The granting of motions to intervene shall be governed by A.A.C. R14-3-105,  
4           except that all motions to intervene must be filed on or before September 15, 2011.  
5           The granting of intervention, among other things, entitles a party to present sworn  
6           evidence at hearing and to cross-examine other witnesses. However, failure to  
7           intervene will not preclude any concerned individual from appearing at the hearing  
8           and making a statement on such individual's own behalf.

9           If you have any questions about this application, you may contact the applicant at  
10          [insert telephone number]. If you wish to file written comments on the  
11          application or want further information on intervention, you may write the  
12          Consumer Services Section of the Commission at 1200 West Washington Street,  
13          Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make  
14          comment.

15          The Commission does not discriminate on the basis of disability in admission to its  
16          public meetings. Persons with a disability may request a reasonable  
17          accommodation such as a sign language interpreter, as well as request this  
18          document in an alternative format, by contacting Shaylin Bernal, ADA Coordinator,  
19          voice phone number 602-542-3931, E-mail SABernal@azcc.gov. Requests should  
20          be made as early as possible to allow time to arrange the accommodation.

21          IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall cause the above  
22          notice to be published at least once in a daily newspaper of general circulation in the area and at least  
23          three times in a weekly publication in the city/county where the crossing is located, with **publication**  
24          **to be completed no later than August 24, 2011.**

25          IT IS FURTHER ORDERED that notice shall be deemed complete upon the  
26          mailing/publication of same, notwithstanding the failure of an individual or entity to read or receive  
27          the notice.

28          IT IS FURTHER ORDERED that the **UNION PACIFIC RAILROAD COMPANY**  
29          **SHALL FILE CERTIFICATION OF NOTICE WITH THE COMMISSION'S DOCKET**  
30          **CONTROL AS SOON AS PRACTICABLE** after the mailing/publication of notice ordered herein  
31          has been completed.

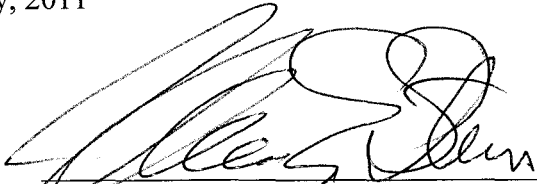
32          IT IS FURTHER ORDERED that all parties must comply with Rule 31 and 38 of the Rules of  
33          the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*  
34          *hac vice*.

35          ...

36          ...

IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 14<sup>th</sup> day of July, 2011

  
MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 14<sup>th</sup> day of July, 2011 to:

Alex Popovici, Manager  
Industry & Public Projects  
UNION PACIFIC RAILROAD COMPANY  
631 South 7<sup>th</sup> Street  
Phoenix, AZ 85734

Brian Lehman, Chief  
Railroad Safety Section of the Safety Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

Anthony J. Hancock  
Terrance L. Sims  
BEAUGUREAU, HANCOCK STOLL  
& SCHWARTZ, P.C.  
302 East Coronado  
Phoenix, AZ 85004  
Attorneys for Union Pacific Railroad

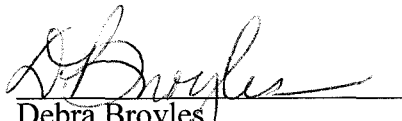
Janice Alward, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

Keith Brann, Town Engineer  
Assistant Director of Public Works  
CITY OF MARANA  
11555 West Civic Center Drive  
Marana, AZ 85653-7002

ARIZONA REPORTING SERVICE, INC.  
2200 North Central Street, Suite 502  
Phoenix, AZ 85004-1481

Albert Letzkus, P.E. PTOE  
Division Manager, Traffic Engineering  
PIMA COUNTY  
1313 South Mission Road  
Tucson, AZ 85713-1398

Marcel Benberou  
Manager, Utility & Railroad Engineering  
ARIZONA DEPARTMENT OF  
TRANSPORTATION  
205 South 17<sup>th</sup> Avenue, M/D 618E  
Phoenix, AZ 85007

By:   
Debra Broyles  
Secretary to Marc Stern